

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**DAVID J. HERNANDEZ,
NICOLE R. SEAMAN, and
RODRIK J. STONE,**

Defendants.

8:08CR27

ORDER

This matter is before the court on the motion of defendant, Rodrik J. Stone, for an extension of time in which to file pretrial motions (Doc. 40). Upon review of the file, the court finds that a 30-day extension should be granted.

IT IS ORDERED that the motion is granted, in part, as follows:

1. The deadline for filing pretrial motions is extended to **March 27, 2009 as to all defendants.**

2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **February 25, 2009 and March 27, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

3. The trial now set for March 30, 2009 is cancelled as to all defendants and will be rescheduled after March 27, 2009 or the resolution of pretrial motions, whichever is later.

DATED February 20, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge